

REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-2, drawn to a first product, a ginseng dietary fiber, and a first process of making the first product; and,
- Group II: Claims 3-4, drawn to a second product, ginseng oligosaccharides, and a second process of making the second product.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office, citing PCT Rule 13.1, contends that Groups I and II do not relate to a single general inventive concept because they “lack the same or corresponding special technical features”. The Office contends that the special technical feature of Group I is a “ginseng dietary fiber product produced by a series of steps which is/are lacking from the Group II invention” and that the special technical feature of Group II is a “ginseng oligosaccharide product produced by a series of process steps which is/are lacking from the Group I invention.” Applicants respectfully submit that Office has merely stated a conclusion and has not provided reasons why unity of invention is lacking. Accordingly, Applicants respectfully submit that the Office has failed to properly support the Requirement for Restriction and accordingly request that it be withdrawn.

Furthermore, Applicants traverse the Requirement for Restriction on the ground that a search of all the claims would not impose a serious burden on the Office. In fact, the International Searching Authority has searched all of the claims together.

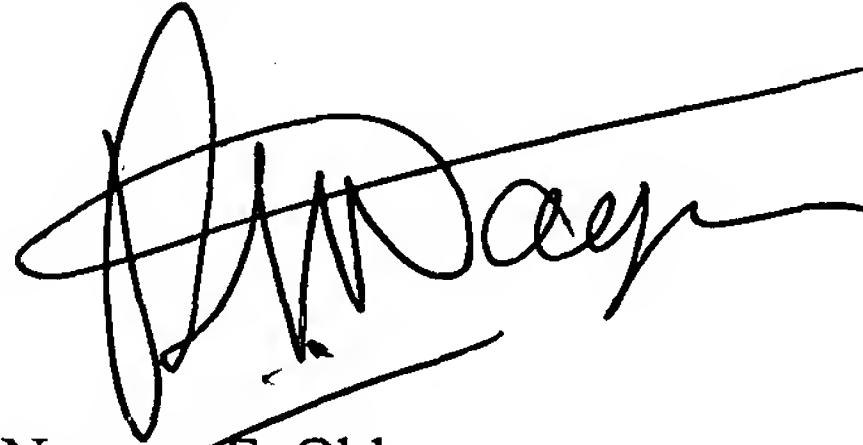
Application No. 10/089,157

Reply to Office Action of July 17, 2003

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

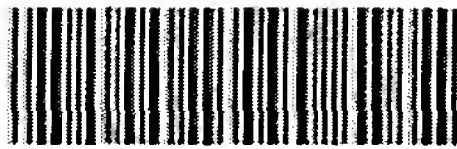
Respectfully submitted,

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MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Norman F. Oblon', written over a horizontal line.

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